

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1-18 are amended, and the specification is amended to correct typographical errors.

Claims 1-7, 9-11, 13 and 15-17 were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Claim 1 was rejected for using the term "sufficiently." "Sufficiently" has been deleted from claim 1, rendering this ground for rejection moot.

Claims 1, 2, 4-7, 9, 10, 13 and 15-17 were rejected for using the term "essentially." "The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. §112, second paragraph." (MPEP §2173.05(b).) Essentially is definite so long as the specification contains sufficient information to enable one of ordinary skill in the art to understand the meaning of essentially. (MPEP §2173.05(b)(B).) Explanation for "essentially non-transparent" can be found, for example, on page 16, lines 1-25 of the specification.

Claim 3 was rejected for use of the term "considerably." Support for "considerably exceeds" can be found, for example, on page 25, lines 5-13 of the specification.

Claim 10 was rejected for the term "low reflectivity." "Low reflectivity" is a known term of art. Further, upon reading the specification, one of ordinary skill in the art would understand the term "low reflectivity" when read in its context within the claim as well as in light of the specification.

Claim 11 was rejected for using the term "partially." Claim 11 has been amended to delete the term "partially," rendering this ground for rejection moot.

Claim 1 was rejected for using the broad term "a given distance," which was subsequently limited by the narrower term "at most to distances within an indoor facility." Claim 1 has been amended rendering this ground for rejection moot.

It is respectfully requested that the rejection be withdrawn.

Claims 1-13, 17 and 18 were rejected under 35 U.S.C. §103(a) over Lindmayer, U.S. Patent No. 3,811,954. The rejection is respectfully traversed.

Claim 1 calls for an optical element comprising both transparent areas and essentially non-transparent areas. Lindmayer discloses a device in which light only penetrates to a certain depth (see col. 4, lines 2-7 and Fig. 1). That is, Lindmayer teaches a solar cell with portions of its surface that allow light to pass through to other light absorbing layers, but does not teach an optical element with transparent areas.

Further, the Office Action notes that a change in size and shape is not patentably distinct over the prior art absent persuasive evidence that the particular configuration of the claimed invention is significant. Applicants assert that this argument does not apply to the claims. Applicants respectfully submit that the claim defines the position of the transparent and essentially non-transparent areas.

Claims 2-13, 17 and 18 depend from and are patentable with independent claim 1, as well as for the additional features they recite. Therefore, it is respectfully requested that the rejection be withdrawn.


Claims 14-16 were rejected under 35 U.S.C. §103(a) over Lindmayer in view of Gratzel et al., U.S. Patent No. 4,927,721. The rejection is respectfully traversed.

The rejection of claims 14-16 is premised upon Lindmayer disclosing all of the limitations of claim 1. As noted above, Lindmayer fails to disclose all of the limitations of claim 1. Furthermore, Gratzel fails to overcome the deficiencies of Lindmayer. Gratzel discloses a photo-electrochemical cell, but does not disclose partially transparent areas. Therefore, claims 14-16 are patentable in view of their dependency from independent claim 1, as well as for the additional features they recite. Therefore, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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